

### REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Applicants herewith affirm the provisional election, with traverse, of claims 1-7, drawn to a package for storing and displaying product

Approval by the Examiner of the formal drawings submitted March 07, 2002 is respectfully requested.

The specification has been changed to correct the problems kindly noted by the Examiner.

Claims 1-10 are pending in the application. Claims 8-10 are withdrawn. Claims presently active are claims 1 - 7.

Relying on 35 U.S.C. 102(b), the Examiner rejected claims 1 and 7 as being anticipated by Hakun et al. Applicants respectfully traverse the Examiner's rejection, and request reconsideration. Applicants respectfully submit that a rejection for lack of novelty under Section 102(b) requires that the invention must be identically disclosed or described in the reference. Applicants respectfully submit that important and material limitations of their invention as claimed are not disclosed in the reference. Applicants respectfully submit that Hakun et al. do not disclose, teach, or suggest "a reusable product container for containing at least one unit of product," and "means for removably attaching said reusable product container to said product display member, said means for removably attaching comprising extended flange portions trapped between said partially overlapped, closely spaced front and rear layers" as recited in the instant application.

US 4,653,642 Hakun discloses a folded assembly for packaging costume type masks. There is no reference to packaging "reusable product containers" within this type of assembly.

As stated on page 3, lines 4 – 6, of the instant application "[a]n important feature of the package of the invention is a display member that utilizes a transparent shell partially sandwiched between

overlapped panels of the display member to securely encase a product container for display.” As such, in one embodiment of the present invention, a plastic shell 30 is integrated with overlapping panel front and rear layers 14, 16 to attach a reusable product container.

The elements cited by the Examiner do not teach a reusable product container or means for removably attaching a reusable product container as recited in the claims. The Examiner states that Hakun discloses “a reusable product container and at least one unit of product (inner shell 20 and mask M).” First, the mask M is not a reusable product container as disclosed in the instant application. The mask is a facemask for use in covering a human face. Second, Hakun does not teach a means for removably attaching the reusable product container. Instead, Hakun discloses two shells, inner shell 20 and the outer shell 22. Both inner shell 20 and the outer shell 22 are required to enclose the mask M. In addition, both the inner shell 20 and the outer shell 22 are used to attach the mask M to the package. However, as mentioned previously, the mask M is not a reusable product container as described in the instant application. Further, the spacing between the inner shell 20 and the outer shell 22 is too small to house a reusable product container. Therefore, the combination of inner shell 20 and outer shell 22 are not “a means for removably attaching said reusable product container to said product display member” as recited in claim 1. It should also be appreciated that rear panel 16 includes access opening 26, therefore, the space between inner shell 20 and rear panel 16 could not be used to removably attach a reusable product container to a product display member as recited in claim 1 (i.e., the reusable product container would fall through access opening 26).

As a result of the foregoing discussion, it is clear that Hakun does not disclose a reusable product container nor does Hakun teach a method or apparatus for attaching a reusable product container to a package. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

Claims 2-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hakun et al. The rejection is traversed. It is the conclusion of the Examiner that "...it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice" and "...With respect to means for fixing, whether the fixing means is a staple, adhesive or any other art recognized equivalent is an obvious matter of choice such as expense."

Applicants take the position that claims 2 - 7 depend from a patentable base claim. As such claims 2 - 7 are considered patentable and nonobvious.


In view thereof, it follows that the subject matter of the claims would not have been obvious of Hakun et al. at the time the invention was made.

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims 1 - 7 are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

  
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